

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL INC.,
AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00473-ADA

JURY TRIAL DEMANDED

**SUPPLEMENTAL DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF
DEFENDANTS' REPLY IN SUPPORT OF OPPOSED MOTION FOR
INTRA-DISTRICT TRANSFER OF VENUE
TO THE AUSTIN DIVISION OF THE WESTERN DISTRICT OF TEXAS**

I, Brian A. Rosenthal, declare as follows:

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc., and EMC Corporation in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.

2. Attached hereto as **Exhibit 21** are true and correct copies of the Declarations of Matt Hogan, filed in the following cases:

#	Case Number	Docket Number	Filing Date
1	6:20-CV-00454-ADA	32-1	Oct. 16, 2020
2	6:20-CV-00455-ADA	28-1	Oct. 16, 2020
3	6:20-CV-00456-ADA	29-1	Oct. 16, 2020
4	6:20-CV-00457-ADA	28-1	Oct. 16, 2020
5	6:20-CV-00458-ADA	30-1	Oct. 16, 2020
6	6:20-CV-00459-ADA	28-1	Oct. 16, 2020
7	6:20-CV-00460-ADA	30-1	Oct. 16, 2020
8	6:20-CV-00461-ADA	30-1	Oct. 16, 2020
9	6:20-CV-00462-ADA	30-1	Oct. 16, 2020
10	6:20-CV-00463-ADA	28-1	Oct. 16, 2020
11	6:20-CV-00464-ADA	30-1	Oct. 16, 2020
12	6:20-CV-00465-ADA	30-1	Oct. 16, 2020
13	6:20-CV-00473-ADA	Case No. 20-cv-473, D.I. 51-5 ¹	Nov. 18, 2020
14	6:20-CV-00474-ADA		
15	6:20-CV-00475-ADA		
16	6:20-CV-00476-ADA		
17	6:20-CV-00477-ADA		
18	6:20-CV-00478-ADA		
19	6:20-CV-00479-ADA		
20	6:20-CV-00480-ADA		
21	6:20-CV-00481-ADA		
22	6:20-CV-00482-ADA		

¹ While WSOU refers to the declaration of Matt Hogan in each of these cases, WSOU filed “its exhibits only in Case 6:20-CV-00473-ADA.” See Case No. 20-cv-473, D.I. 51 at n.1.

23	6:20-CV-00485-ADA		
24	6:20-CV-00486-ADA		
25	6:20-CV-00487-ADA	36-2	Nov. 6, 2020
26	6:20-CV-00488-ADA	34-2	Nov. 6, 2020
27	6:20-CV-00489-ADA	35-2	Nov. 6, 2020
28	6:20-CV-00490-ADA	32-2	Nov. 6, 2020
29	6:20-CV-00491-ADA	34-2	Nov. 6, 2020
30	6:20-CV-00492-ADA	34-2	Nov. 6, 2020
31	6:20-CV-00493-ADA	33-2	Nov. 6, 2020
32	6:20-CV-00494-ADA	34-2	Nov. 6, 2020
33	6:20-CV-00495-ADA	34-2	Nov. 6, 2020
34	6:20-CV-00496-ADA	34-2	Nov. 6, 2020
35	6:20-CV-00497-ADA	34-2	Nov. 6, 2020

3. Attached hereto as **Exhibit 22** is a true and correct copy of an article titled “Large Portfolio of Former Nokia Patents Put on Market,” dated February 9, 2018 and obtained from <https://news.bloomberglaw.com/ip-law/large-portfolio-of-former-nokia-patents-put-on-market> (last retrieved November 23, 2020), and an article titled “Huawei Remains In The WSOU Crosshairs, With Nine New Cases Filed,” dated March 28, 2020 and obtained from <https://www.mondaq.com/unitedstates/patent/909324/huawei-remains-in-the-wsj-crosshairs-with-nine-new-cases-filed> (last retrieved November 23, 2020).

4. Attached hereto as **Exhibit 23** is a true and correct copy of the docket report for *Data Scape Ltd. v. Dell Techs., Inc. et al.*, Case No. 1:19-cv-00605-ADA (W.D. Tex. 2020). This docket report was retrieved from PACER (<https://pcl.uscourts.gov/pcl/index.jsf>) on November 22, 2020.

5. Attached hereto as **Exhibit 24** is a true and correct copy of WSOU Investments, LLC d/b/a Brazos Licensing and Development’s Opposition Brief to ZTE (USA) Inc.’s Motion to Dismiss or in the Alternative Transfer Venue, which was filed as Docket Number 36 in Case No. 6:20-cv-00487-ADA (W.D. Tex.), on November 6, 2020.

6. Attached hereto as **Exhibit 25** is a true and correct copy of Federal District Court Cases for Judges Albright, Pitman, Yeakel, Nowlin, and Sparks, obtained from Lex Machina, <https://lexmachina.com>, on November 22, 2020.

7. Attached hereto as **Exhibit 26** is a true and correct copy of a document titled “United States District Court Western District of Texas Fiscal Year Statistics 2019,” obtained from <https://www.txwd.uscourts.gov/wp-content/uploads/District%20Statistics/2019/Fiscal%20Year%20Statistics%20-%20202019.pdf> on November 23, 2020.

8. Attached hereto as **Exhibit 27** is a true and correct copy of Microsoft Corporation’s Reply Brief in Support of its Opposed Motion to Transfer Venue to Austin Division and a true and correct copy of Exhibit 19 to that Brief, which were filed, as Docket Numbers 34 and 34-3 respectively in Case No. 6:20-cv-00454-ADA (W.D. Tex.), on October 23, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 25, 2020

/s/ *Brian A. Rosenthal*
Brian A. Rosenthal